



DAC  
SFW

Renewed Petition under 37 CFR 1.181

Commissioner for Patents  
USPTO  
P.O. Box 1450  
Alexandria, VA 22313-1450

Edward L. Blendermann  
87 Cypress Pond Rd.  
Port Orange Fl. 32128  
Sept. 25, 2006

Application No. 10/075,221  
Filed November 13, 2002

For: Proprioceptive device that contains nutrients for the treatment of statural diseases  
Re: request for reconsideration of decision mailed September 11, 2006.

Attn: Alesia M. Brown, Petitions Attorney, Office of Petitions

The petitioner alleges a response to the final office action and a petition for a two month extension of were timely submitted.

The petitioner acknowledges that a 6 month period from the final rejection is the limitation of a timely response time and that this 6 month period should be calculated from the time of final rejection , October 19, 2004. This gives a date of April 19 as to the last date that a timely response can be made. Since the petitioner's response to the final rejection was made on March 31, 2005, it is within this 6 month time period. At least according to this criteria this is a timely response. In no way should a response be allowed after this 6 month period from the final office action; the petitioner agrees that the Advisory Action should not reset this date from which this 6 month period is calculated.

The petitioner believes that date that the extension of time for reply to the final office action is calculated from has been reset by the Advisory Action and allowed to be February 2, 2005.. Allowing for a 2 month extension, this means that a proper response could have been timely submitted as late as April 2, 2005. Since the petitioner's response to the final rejection was made on March 31, 2005, it is within this allowable period and therefore is a timely response.

This belief that the date of February 2, 2005 is the date that the extension of time should be calculated from is supported by the following statements made in the decision that is being ask for reconsideration:

"The Advisory Action further indicated that the period of time to respond to the final Office action expired as to the mail date of the Advisory Action (February 2, 2005) or the date set in the final Office action, whichever is later. Accordingly, the period of time to submit a proper reply to the final Office action expired on February 2, 2005 "



Logically, if an extension of time is desired, such an extension would be desired from this expired time date that of February 2, 2005.

As indicated in the Advisory Action the period of time for reply ended on February 2, 2005. Moreover the period of time was extendable. The two month period of time that was used by the petitioner allowed for the final office action to be submitted as late as April 2, 2005. Accordingly, the reply of March 31, 2001 is a timely response.

Thank you for this reconsideration.

Sincerely,

A handwritten signature in cursive script that reads "Edward L. Blendermann DC".

Edward L. Blendermann DC